

ALD-232

July 29, 2021

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **21-2198**

In re: JAMES EDWARD CLARK, Petitioner

Present: MCKEE, GREENAWAY, JR. and BIBAS, Circuit Judges

Submitted is Petitioner's application under 28 U.S.C. § 2244 & § 2255 to
file a second or successive motion under 28 U.S.C. § 2255

in the above-captioned case.

Respectfully,

Clerk

ORDER

Petitioner's application under 28 U.S.C. §§ 2244 and 2255(h) is denied because he has not made a prima facie showing that his claims are based on qualifying new facts or new law under 28 U.S.C. § 2255(h). Specifically, petitioner cannot show that United States v. Nasir, 982 F.3d 144, 160 (3d Cir. 2020) (en banc), announced "a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court." 28 U.S.C. § 2255(h)(2).

By the Court,

s/Joseph A. Greenaway, Jr.
Circuit Judge

Dated: August 27, 2021

JK/cc: James Edward Clark

United States Attorney Eastern District of Pennsylvania



Patricia S. Dodszeweit

Patricia S. Dodszeweit, Clerk